

Overview	Legal Change	Action required
<p>Sex Discrimination The Chinese government has posted a notice outlining plans to enforce current laws against gender discrimination.</p>	<p>No-one would argue that gender discrimination rules in China are well advanced. There are widespread issues with sexual harassment and gender discrimination in the workplace.</p> <p>Job descriptions may still specify men only or mention the "beautiful girls" working in the office.</p> <p>However, there is movement to improve the position of women in the workplace and to define more clearly what counts as gender discrimination.</p> <p>The Ministry of Human Resources and Social Security notice specifically forbids employers from:</p> <ul style="list-style-type: none"> > asking a candidate about their marital or childbearing status; > restricting the number of children as a condition of recruitment; > asking a candidate to take a pregnancy test before hiring. <p>Offending employers could face fines of up to US\$7,400 and even stronger penalties for repeat offences.</p> <p>The government also intends to enhance victims' ability to bring claims in court, increase childcare services in the workplace and provide more support for mothers returning to work.</p>	<p>The simplest way to stay safe on these issues is to apply the standards of the jurisdictions (for instance in the EU) which have effective and committed rules against sex discrimination in the workplace.</p> <p>That way you can be sure of not contravening Chinese rules and of maintaining a fair working environment.</p>
<p>Sexual Harassment Slow developments but progress nevertheless.</p>	<p>China has yet to have its first sexual harassment lawsuit. However this might be about to change and government focus on this issue could bring rapid reform.</p> <p>The current law on sexual harassment is vague and undeveloped but recent high profile scandals on Chinese university campuses and elsewhere could produce sudden and dramatic changes.</p>	<p>Make sure your handbook and/or policies for your employees in China deal with sexual harassment specifically and clearly, perhaps by setting the standards of jurisdictions (for instance in the EU) which have effective and committed rules against sexual harassment in the workplace.</p> <p>You will then be better placed were there to be a sudden and dramatic tightening of the law on the issue or its enforcement.</p>

This is a high level general update only. Legal advice should be obtained on specific circumstances.